

SECTION 2. The change in law made by this Act applies only to a request for information that is received on or after the effective date of this Act. A request for information that was received before the effective date of this Act is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2017.

Passed the Senate on March 29, 2017: Yeas 31, Nays 0; passed the House on May 2, 2017: Yeas 146, Nays 0, one present not voting.

Approved May 16, 2017.

Effective September 1, 2017.

**CREATION OF THE FORT BEND COUNTY MUNICIPAL
UTILITY DISTRICT NO. 224; GRANTING A LIMITED POWER
OF EMINENT DOMAIN; PROVIDING AUTHORITY TO ISSUE
BONDS; PROVIDING AUTHORITY TO IMPOSE
ASSESSMENTS, FEES, AND TAXES**

CHAPTER 9

H.B. No. 1331

AN ACT

**relating to the creation of the Fort Bend County Municipal Utility District No. 224;
granting a limited power of eminent domain; providing authority to issue bonds;
providing authority to impose assessments, fees, and taxes.**

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7969 to read as follows:

CHAPTER 7969. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 224

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7969.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "Director" means a board member.
- (4) "District" means the Fort Bend County Municipal Utility District No. 224.

Sec. 7969.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7969.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7969.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7969.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7969.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

- (1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) *Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.*

Sec. 7969.006. INITIAL DISTRICT TERRITORY. (a) *The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.*

(b) *The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:*

- (1) *organization, existence, or validity;*
- (2) *right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;*
- (3) *right to impose a tax; or*
- (4) *legality or operation.*

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7969.051. GOVERNING BODY; TERMS. (a) *The district is governed by a board of five elected directors.*

(b) *Except as provided by Section 7969.052, directors serve staggered four-year terms.*

Sec. 7969.052. TEMPORARY DIRECTORS. (a) *On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.*

(b) *Temporary directors serve until the earlier of:*

- (1) *the date permanent directors are elected under Section 7969.003; or*
- (2) *the fourth anniversary of the effective date of the Act enacting this chapter.*

(c) *If permanent directors have not been elected under Section 7969.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:*

- (1) *the date permanent directors are elected under Section 7969.003; or*
- (2) *the fourth anniversary of the date of the appointment or reappointment.*

(d) *If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.*

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7969.101. GENERAL POWERS AND DUTIES. *The district has the powers and duties necessary to accomplish the purposes for which the district is created.*

Sec. 7969.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. *The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.*

Sec. 7969.103. AUTHORITY FOR ROAD PROJECTS. *Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.*

Sec. 7969.104. ROAD STANDARDS AND REQUIREMENTS. (a) *A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.*

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 7969.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. *The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.*

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7969.151. ELECTIONS REGARDING TAXES OR BONDS. *(a) The district may issue, without an election, bonds and other obligations secured by:*

- (1) revenue other than ad valorem taxes; or*
- (2) contract payments described by Section 7969.153.*

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7969.152. OPERATION AND MAINTENANCE TAX. *(a) If authorized at an election held under Section 7969.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.*

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7969.153. CONTRACT TAXES. *(a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.*

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7969.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. *The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.*

Sec. 7969.202. TAXES FOR BONDS. *At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.*

Sec. 7969.203. BONDS FOR ROAD PROJECTS. *At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.*

SECTION 2. The Fort Bend County Municipal Utility District No. 224 initially includes all the territory contained in the following area:

A METES & BOUNDS description of a 178.52 acre tract of land in the Thomas Westall

League, Abstract 92, Fort Bend County, Texas, being comprised of that certain called 1.127 acre tract recorded under County Clerk's File Number 2007044630, Official Public Records, Fort Bend County, Texas, and that certain called 56.470 acre tract and portions of those certain called 55.480 acre and called 73.831 acre tracts recorded under County Clerk's File Number 2004143701, Official Public Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based upon GPS observations.

Beginning at a $\frac{5}{8}$ inch iron rod with cap marked "1535-4035" found in the northeast right-of-way line of F. M. Highway 1489 (100-feet wide) for the south corner of said called 56.470 acre tract, same being the west corner of an adjoining called 154 ± acre tract as recorded under Probate File Number 016127, Probate Records, Fort Bend County, Texas, for the south corner and Place of Beginning of the herein described tract;

Thence North 35 degrees 42 minutes 52 seconds West along the southwest line of the herein described tract, same being the northeast right-of-way line of F. M. Highway 1489, at 783.00 feet pass a $\frac{5}{8}$ inch iron rod with cap marked "1535-4035" found on said line for the west corner of said called 56.470 acre tract, being in the southerly right-of-way line of Vernon Frost Road (60-feet wide), at 843.62 feet pass a $\frac{5}{8}$ inch iron rod with cap marked "1535-4035" found on said line for the south corner of the aforementioned called 55.480 acre tract, being in the northerly right-of-way line of Vernon Frost Road, and continuing for a total distance of 1,593.71 feet to a point on said line at its intersection with the existing northeasterly line of the Extraterritorial Jurisdictional limits of the City of Simonton, being one-half mile from the corporate limits of the City of Simonton as established by Ordinance Number 980108 of the City Council of Simonton, for the lower west corner of the herein described tract, said point being in a non-tangent curve to the left;

Thence along said non-tangent curve to the left, being the northeasterly line of the Extraterritorial Jurisdictional limits of the City of Simonton, having a central angle of 45 degrees 15 minutes 50 seconds, a radius of 2,640.00 feet, an arc length of 2,085.61 feet, and a chord bearing North 28 degrees 01 minute 05 seconds West, 2,031.80 feet to a point on said line at its intersection with the west line of the aforementioned called 73.831 acre tract for the upper west corner of the herein described tract, said point being in the east right-of-way line of F. M. Highway 1489;

Thence North 05 degrees 05 minutes 04 seconds West along the upper west line of the herein described tract, same being the east right-of-way line of F. M. Highway 1489, 378.70 feet to a $\frac{5}{8}$ inch iron rod with cap marked "1535-4035" found for the northwest corner of the herein described tract and said called 73.831 acre tract, same being a southwest corner of an adjoining called 100.171 acre tract recorded in Volume 1833, Page 438, Official Records, Fort Bend County, Texas;

Thence North 88 degrees 58 minutes 41 seconds East along the upper north line of the herein described tract and the north line of said called 73.831 acre tract, same being a southwest line of said adjoining called 100.171 acre tract, 2,488.56 feet to the upper northeast corner of the herein described tract, being the northeast corner of said called 73.831 acre tract, same being the northwest corner of an adjoining called 18.00 acre tract recorded under County Clerk's File Number 2000043870, Official Public Records, Fort Bend County, Texas;

Thence South 00 degrees 59 minutes 54 seconds East along the east line of said called 73.831 acre tract, same being the west line of said adjoining called 18.00 acre tract, 948.59 feet to the southeast corner of said called 73.831 acre tract, same being the southwest corner of said adjoining called 18.00 acre tract, and being in the north line of the aforementioned called 55.480 acre tract, as located in the centerline of Bessie's Creek;

Thence along the centerline of Bessie's Creek with the following meanders:

North 54 degrees 11 minutes 36 seconds East, 133.89 feet;

North 71 degrees 49 minutes 46 seconds East, 212.50 feet to the northeast corner of said called 55.480 acre tract, being a northwest corner of an adjoining portion of the

Vernon Frost Estate recorded under Probate File Number 016127, Probate Records, Fort Bend County, Texas;

Thence South 03 degrees 22 minutes 17 seconds West along the east line of said called 55.480 acre tract, same being a west line of said adjoining Vernon Frost Estate, 275.66 feet to an angle point;

Thence South 06 degrees 04 minutes 43 seconds East continuing along said line, at 982.05 feet pass a $\frac{5}{8}$ inch iron rod found on said line at its intersection with the northerly right-of-way line of Vernon Frost Road for the southeast corner of said called 55.480 acre tract, and continuing for a total distance of 1,046.49 feet to a point for a reentry corner to the herein described tract being in the southerly right-of-way line of Vernon Frost Road, same being the northerly line of the aforementioned called 56.470 acre tract;

Thence North 62 degrees 30 minutes 22 seconds East along the southerly right-of-way line of Vernon Frost Road, same being the northerly line of said called 56.470 acre tract, 274.12 feet to a $\frac{5}{8}$ inch iron rod with cap marked "1535-4035" found for angle point;

Thence South 85 degrees 35 minutes 20 seconds East continuing along said line, 1,372.06 feet to a $\frac{5}{8}$ inch iron rod with cap marked "1535-4035" found for the lower northeast corner of the herein described tract and the northeast corner of said called 56.470 acre tract, same being the upper northwest corner of the aforementioned adjoining called 154 \pm acre tract;

Thence South 04 degrees 24 minutes 40 seconds West along the common line of the herein described tract and said adjoining called 154 \pm acre tract, 883.00 feet to the southeast corner of said called 56.470 acre tract;

Thence North 85 degrees 35 minutes 20 seconds West continuing along said common line, 1,324.09 feet to an angle point;

Thence South 62 degrees 30 minutes 22 seconds West continuing along said common line, 1,369.17 feet to the Place of Beginning and containing 178.52 acres of land, more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7969, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7969.106 to read as follows:

Sec. 7969.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed by the House on April 20, 2017: Yeas 138, Nays 6, 2 present, not voting; passed by the Senate on May 4, 2017: Yeas 30, Nays 1.

Filed without signature May 18, 2017.

Effective May 18, 2017.

**PROVIDING ROAD DISTRICT POWERS TO THE WOOD
TRACE MUNICIPAL UTILITY DISTRICT NO. 3 OF
MONTGOMERY COUNTY, TEXAS; PROVIDING AUTHORITY
TO ISSUE BONDS**

CHAPTER 10

H.B. No. 1439

AN ACT

relating to providing road district powers to the Wood Trace Municipal Utility District No. 3 of Montgomery County, Texas; providing authority to issue bonds.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7965 to read as follows:

**CHAPTER 7965. WOOD TRACE MUNICIPAL UTILITY DISTRICT NO. 3 OF
MONTGOMERY COUNTY, TEXAS**

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7965.001. **DEFINITION.** In this chapter, "district" means the Wood Trace Municipal Utility District No. 3 of Montgomery County, Texas.

Sec. 7965.002. **FINDINGS OF PUBLIC PURPOSE AND BENEFIT.** (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 7965.101. **AUTHORITY FOR ROAD PROJECTS.** Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7965.102. **ROAD STANDARDS AND REQUIREMENTS.** (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

SUBCHAPTER C. BONDS

Sec. 7965.201. **BONDS FOR ROAD PROJECTS.** At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects